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MICHAEL J. STONE

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10 (Additional Appearances Noted on
Signature Page)

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 JAMES A. HARRIS,) Case No. C01-4906 CW
15 Plaintiff,)
16 vs.)
17 GULF INSURANCE COMPANY,)
18 Defendant,)
19 _____)
20 MICHAEL J. STONE,)
21 Plaintiff/Intervenor)
22 _____)
23
24 Proposed
Date: May 11, 2007
Time: 1:30 p.m.
Courtroom 2
The Honorable Claudia Wilken
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26 Plaintiff James A. Harris, Intervenor Michael J. Stone (together "Plaintiffs") and
Defendant Gulf Insurance Company respectfully submit this stipulation to continue the
upcoming Case Management Conference ("CMC") currently set for November 17, 2006 at
1:30 p.m., to May 11, 2007, at 1:30 p.m. The reason for the continuance is as follows:
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This case was one of three related cases before the Court. The remaining two cases, *In re U.S. Aggregates, Inc. Securities Litigation*, Master File No. C-01-1688-CW, and *Moglia v. Harris*, No. C 04 2663 CW, have been settled. This case dealt with the insurance coverage issues posed by the U.S. Aggregates Securities Litigation.

This case is currently on appeal to the Ninth Circuit. The Court entered final judgment on September 28, 2005 on Counts I and II of Plaintiffs' First Amended Complaint, the two that raised the major coverage questions. Proceedings with respect to the remaining counts (alleging breach of contract and bad faith claims) were stayed pending resolution of the appeal. See the Court's Order Granting the Parties Joint Application for Judicial Resolution of Counts I and II of Plaintiff's First Amended Complaint under Federal Rule of Civil Procedure 54(b), dated September 28, 2005.

The appellate case has been fully briefed as of May 4, 2006. The Ninth Circuit has not yet scheduled oral argument.

Given the current status, the parties respectfully request that the scheduled CMC be continued until May 11, 2007 at 1:30 p.m. If the Court requests, the parties will provide the Court with periodic status reports as the Court may desire.

DATED: October 23, 2006

JEFFER, MANGELS, BUTLER & MARMARO LLP
ROBERT C. GEBHARDT
JULIA J. RIDER

By: _____/s/
JULIA J. RIDER
Attorneys for Plaintiff/Intervenor
MICHAEL J. STONE

DATED: October 23, 2006

HELLER EHRLMAN LLP
STEPHEN N. GOLDBERG

By: _____/s/
STEPHEN N. GOLDBERG
Attorneys for Plaintiff
JAMES A. HARRIS

DATED: October 23, 2006

TUCKER ELLIS & WEST LLP

1 ALEC BOYD
2
3 By: _____ /s/ _____
4 ALEC BOYD
Attorneys for Defendant
GULF INSURANCE COMPANY
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6 **ORDER**
7 IT IS HEREBY ORDERED THAT the Case Management Conference scheduled
8 for November 17, 2006 is hereby continued to May 11, 2007 at 1:30 p.m.
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10 DATED: October 24, 2006
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The Honorable Claudia Wilken
United States District Court